

FEB 06 2006

JOHN F. CORCORAN, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

SAMUEL D. QUINN,)
Plaintiff,) Civil Action No. 7:06-cv-00076
)
v.)
)
COMMONWEALTH OF VIRGINIA,) By: Hon. James C. Turk
Defendant.) Senior United States District Judge

In accordance with the Memorandum Opinion entered this day, it is hereby

ADJUDGED and ORDERED

that this action shall be and hereby is construed as a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254; is hereby **DISMISSED** without prejudice, pursuant to Rule 4 of the Rules Governing § 2254 Cases, for failure to exhaust state court remedies; and is stricken from the active docket of the court. It is further **ORDERED** that except for the \$5.00 filing fee for this habeas action, the clerk shall refund to plaintiff all of the money he submitted with his pleading.

The Clerk is directed to send certified copies of this order and the accompanying memorandum opinion to plaintiff.

ENTER: This 6 th day of February, 2006.



Senior United States District Judge